

FILED
MARIE HIRST COURT CLERK
CANADIAN COUNTY, OKLAHOMA

AUG - 4 2022

IN THE DISTRICT COURT OF CANADIAN COUNTY
STATE OF OKLAHOMA

BY _____
DEPUTY

FARMERS MUTUAL FIRE INSURANCE)
COMPANY OF OKARCHE,)

Plaintiff,)

vs.)

HL MOTOR GROUP, INC., OF)
RICHMOND HILL, ONTARIO; and,)
OGNJEN MILANOVIC,)

Defendants.)

Case No. CJ. 2022.443

The Honorable JACK D. MCCURDY II

PETITION

The Plaintiff, Farmers Mutual Fire Insurance Company of Okarche ("FMFICO"), for its Petition against the Defendants, HL Motor Group, Inc., of Richmond Hill, Ontario ("HL Motor Group") and Ognjen Milanovic ("Milanovic"), alleges and states:

1. HL Motor Group is an interstate motor carrier based in Ontario, Canada.

2. Upon information and belief, Milanovic, a citizen of Ontario, Canada, was employed at all relevant times by HL Motor Group and drove trucks for HL Motor Group in the United States, including the State of Oklahoma.

3. FMFICO is an Oklahoma insurance corporation, domiciled in the state of Oklahoma, and maintains its principal place of business in Okarche, Canadian County, Oklahoma.

4. On August 8, 2020, Milanovic drove a truck, owned by HL Motor Group, through Canadian County, Oklahoma, within the scope and course of his employment with HL Motor Group. At approximately 4:19 p.m., Milanovic was driving in a southerly direction on the Kilpatrick Turnpike, when he negligently drove his truck off the highway. Milanovic traveled 260 feet off the roadway, and slammed into a home owned by Earlene Carr in Yukon, Oklahoma.

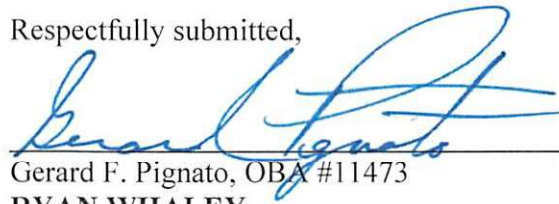
5. HL Motor Group is liable to FMFICO for the negligent action of Milanovic under the doctrine of *respondiat superior*. HL Motor Group is also liable to FMFICO based on its own independent acts of negligence, including, but not limited to, negligent hiring, training, and retention of Milanovic.

6. At the time of this accident, described above, Ms. Carr was insured under a policy of homeowners insurance issued by FMFICO to Earlene Carr, Policy Number V20200056, for the policy period of December 20, 2020 – December 20, 2021. FMFICO has made payments to Ms. Carr under the policy in the amount of \$137,472.83. FMFICO has also made payments to others in connection with this claim.

7. FMFICO is entitled to recover these insurance proceeds paid to and on behalf of Ms. Carr from HL Motor Group and Milanovic by way of subrogation. If any future payments are made to Ms. Carr, FMFICO will be entitled to recover those benefits from Defendants as well, as the subrogee of Ms. Carr.

WHEREFORE, the Plaintiff, FMFICO, prays for judgment against the Defendants, HL Motor Group and Milanovic, for an amount in excess of \$75,000.00, including its attorney fees, costs, and pre-judgment interest.

Respectfully submitted,



Gerard F. Pignato, OBA #11473

RYAN WHALEY

400 North Walnut Avenue
Oklahoma City, Oklahoma 73104
(405) 239-6040
(405) 239-6766 FAX
jerry@ryanwhaley.com

AND



Daniel G. Webber, Sr., OBA #9422

Post Office Box 699
Watonga, Oklahoma 73772
Telephone: 580-623-7400
405-375-6700
Facsimile: 405-375-6718
Email: dgw_attorney@outlook.com

*Attorneys for Farmers Mutual Insurance
Company of Okarche*

JURY TRIAL DEMANDED.